

HALL COUNTY BOARD OF SUPERVISORS MEETING APRIL 19, 2005

The Hall County Board of Supervisors met April 19, 2005, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman Pamela Lancaster.

INVOCATION - Invocation was given by Chairman Pamela Lancaster.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present was a representative from the *Grand Island Independent* and Deputy County Attorney Michelle Oldham.

CONSENT AGENDA ITEMS – Eriksen made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes of the April 5th meeting
2. 5a Approve the Stop Sign Resolution #05-009 for Cedarview & Stuhr Road
3. 5b Accept and place on file the quarterly report for the Public Works Department
4. 9 Approve the liquor license for Wood River Recreational Association
5. 10 Accept and place on file the Hall County Treasurer's public tax sale report
6. 10b Accept and place on file the Hall County Treasurer's return of public tax sale proceedings
7. 15a Approve Resolution #05-010 for Green Acres Subdivision Lot one and Floyd Acres Second Subdivision
8. 15b Approve Resolution #05-011 for Carol A, Robert D & C Fredrick Subdivision
9. 15c Approve Resolution #05 -012 for Eggers Nester Subdivision
10. 15d Approve Resolution #05-013 for England Subdivision
11. Accept and place on file the office reports from Clerk of the District Court, Hall County Sheriff, Hall & Howard County Juvenile Services, County Court and Register of Deeds
12. 24 Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
13. 24 Accept and place on file communications as received.
- 14.

The tourism proclamation will be placed on the May 3rd agenda.

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

OFFICE REPORT HALL COUNTY JUVENILE SERVICES MARCH 2005

JUVENILE REFERRALS	33 JUVENILES
JUVENILE OFFENDERS	0 JUVENILE
JUVENILE HOUSE ARREST	0 JUVENILES
TOTAL UNDER SUPERVISION	238 JUVENILES
FEES COLLECTED	\$1620.00

OFFICE REPORT
HOWARD COUNTY JUVENILE SERVICES
MARCH 2005

JUVENILE REFERRALS	0 JUVENILES
TOTAL JUVENILE ENROLLEES	8 JUVENILES
FEES COLLECTED FOR MONTH	\$100.00
TOTAL FEES COLLECTED FISCAL YEAR	\$1,775.00

OFFICE REPORT
COUNTY COURT
MARCH 2005

FINES (CO.)	\$ 69,633.14
OVERLOAD FINES	325.00
REIMBURSE SHERIFF FEES	2,414.24
WORK RELEASE FEES	1,137.00
REIMBURSE FAX COPIES	3.00
FINES (CITY)	9,694.64
REIMBURSE WITNESS FEES	612.08
BOND FORFEITURES	1,694.50
REIMBURSE CO. FEES	41.50
TOTAL	\$85,555.10

OFFICE REPORT
CLERK OF THE DISTRICT COURT
MARCH 2005

COURT COSTS	\$3,551.15
10% BOND	775.00
FINES	1,096.62
PHOTO COPIES	334.00
INTEREST	496.02
BOARD OF PRISIONERS	1,238.04
BOND FORFEITURE	4,950.00

OFFICE REPORT
HALL COUNTY SHERIFF
FEBRUARY 2005

TOTAL FEES MILEAGE & MISC	\$14,776.64
COPIES	119.00
HANDGUN APPLICATIONS	80.00
TITLE INSPECTIONS	2,520.00

OFFICE REPORT
REGISTER OF DEEDS
MARCH 2005

DOCUMENTARY STAMP FEES	\$ 7,859.86
RECORDING FEES	21,739.50
PHOTO FEES	517.83

Lancaster recognized Chad Nabity for the award he received.

PUBLIC PARTICIPATION – Chairman Lancaster called for public participation and no one responded. She reminded members of the audience that if they wanted to speak on any matters they need to do so under public participation. No one responded.

5c DISCUSS & TAKE ACTION ON RESOLUTION APPROVING COMMENCING NEGOTIATIONS TO PURCHASE PROPERTY FOR ROAD TO ACCESS SOUTH LOCUST PROPERTY – This is a piece of property that is owned by the County that is now land locked because of the construction of the new I-80 exit. The County Surveyor has surveyed the property and this resolution directs him to start the negotiations for the purchase of the right-of-way. Jeffries made a motion and Arnold seconded to approve Resolution #05-014 to begin negotiations. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

11. DRUG COURT – DISCUSS & APPROVE INTERLOCAL AGREEMENT WITH HALL & LANCASTER COUNTIES FOR ACCESS TO CENTRAL NEBRASKA DRUG COURT COMPUTER SERVER - Michelle Oldham was present and stated that Connie Hultine was not able to attend because she had a new baby. This is an agreement that Hall and Lancaster Counties have participated in for several years. Hall County paid for this server and the interlocal agreement will now charge Lancaster County for part of the cost. She had reviewed the agreement and is requesting the board to approve.

Hartman made a motion and Arnold seconded to approve the interlocal agreement for the Nebraska Drug Court computer server and authorize the chair to sign. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

15 E DISCUSS & APPROVE APPOINTMENT TO REGIONAL PLANNING COMMISSION BOARD – The Regional Planning commission received 4 applications for the board. Mick Reynolds, 17091 West Cedarview Road, Wood River, Steve Lamb, #11 Sonja Drive, Donipahn, Robert McFarland, 1466 South Gunbarrel Road, Grand Island and Steve Johnson 3530 South Blaine. Regional Planning Director Chad Nabity recommended that Mr. Mick Reynolds be appointed. The commission has not had representation from the rural area since Mr. Dibbern was on the board. Mr. Reynolds is interested and would provide a representation from the county.

Hartman made a motion and Humiston seconded to approve the appointment of Mick Reynolds to the Regional Planning Commission Board. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

12. VALORIE BENDIXEN CLERK OF THE DISTRICT COURT – DISCUSSION ON LB529 - Ms. Bendixen stated that after reviewing LB 529 and 529A she felt that the County Board may be interested in the affect this would have on Hall County and the lost revenue. The intent of bill is that the Nebraska State Supreme Court would take over the cost of the salary and benefits of the staff of the Clerk of the District Court's office. The rest of the budget would remain the counties responsibility. It also talks about consolidating the position of clerk magistrate and the position of the clerk of the district court. She stated she looked at the wages and benefits and costs of the court cases for 2003 to 2004 and it was a total of \$279,870.79 and the projected amount for 2004 to 2005 would be \$314,893.38.

The revenue that the county receives is from the bond costs, the \$35.00 filing fees and the interest from the bank accounts. There are also fees that are received for holding mental health hearings for another county. The County also receives revenue from the 4D incentive money for child support cases that includes direct and indirect costs. This is a considerable amount of money and as the bill is currently written the county would not receive this revenue, instead it would go to the state. Also if the state takes over the filing fees would be \$45.00 and that also would go to the state. If the office is transferred The county would be responsible for paying out the vacation and sick leave for the employees. The proposed transfer would not occur until January 1, 2008.

She feels that the office is governed by Nebraska State Statutes and this bill changes who signs the paychecks, but the functions are still the same. There is a lot of emotion involved in this proposal but as Clerk of the District Court she feels they have a good working relationship with the courts and she does not see any problems. The office

would still function. If the change is made she feels that the county should still retain some of the dollars from the indirect cost because they would still be responsible for the office overhead.

Lancaster questioned what the concern would be for Hall County and Ms. Bendixen stated that there would not be local control but she does not see that this is an issue they would still do their jobs.

Arnold stated that Ms. Bendixen has seen both the state employee side and the county side. As an elected official the benefits may be different but the job that they do is still needed by the public. The bill states that employees will not lose their jobs and that the state will do a wage and benefit study if this bill is approved.

Hartman stated that this may not be a problem but a savings for Hall County. The board members thanked her for the information.

4. 9:30 PUBLIC HEARING PLANNED UNIT DEVELOPMENT FOR BELLAMY'S ADDITION AND TAKE ACTION TO AMEND THE HALL COUNTY ZONING MAP. – Jeffries made a motion and Rye seconded to open the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Regional Planning Director Chad Nabity was present. He stated that this development is adjacent to Highway 2 outside of the zoning district of Cairo. The Regional Planning Commission has held a public hearing and has recommended approval of this. This land is not prime ag-ground and is suitable for septic systems. They have received approval from the Department of Environmental Quality and the commission has approved the preliminary change of the zoning and the platting of the property. This action was taken over two meetings because it was tabled to review the calculations on the drainage and to determine the correct sizing for the subdivision. The second page of the packet shows an aerial photo of the property. There will be 2 foot contours on the property and there will be 34 lots.

Jeffries questioned how many acres are involved and Mr. Nabity stated that there are 80 acres and 34 lots. The lots will be 1.75 acres or 2.25 acres, there is common ground for the drainage and the roads will be private roads. This will be similar to the Amick Acres development near Doniphan. They may be able to have walkout basements in this proposed development. .

Chairman Lancaster called for public participation.

Kevin Brostrom, 724 West Koenig requested to speak. He stated that he represents Mr. Bellamy. This has been before the Planning Commission twice and he is here today to answer questions. He stated that he has a letter from Centura Schools and they are in favor of this development. It will bring more students to Centura and will create a broader tax base for this area. Mr. Brostrom stated that Mr. Bellamy was present if the board had any questions.

Hartman stated that there was some concern from people on the septic systems in this area. Mr. Brostrom stated that they did do some testing in this area and it was fine. This is not good farm ground and this would be the best use for this land. This will be similar

to the Amick Acres Development and is adjacent to Highway #14, which is maintained by the State of Nebraska. This development will increase the tax base for the school district. The homes that will be developed will be 1500 square feet and that would equate to an \$180,000.00 home. Mr. Brostrom stated that he will answer any questions that the board has.

Mr. Nabity corrected Mr. Brostrom that it is along Highway #2 now Highway #14.

Chairman Lancaster called for public participation – Ron Harder 2780 St Paul Road Grand Island requested to speak. He stated that he is a business owner in Cairo and supports this project. Cairo has lost some businesses and this may generate more business for the community and bring in more people.

Chairman Lancaster called for public participation and no one responded.

Hartman made a motion and Jeffries seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Hartman made a motion and Jeffries seconded to approve Resolution #05-0014 amending the zoning map and authorize the Chair to sign. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

16 COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND REGULAR CLAIMS AND ACTION ON CLAIM AUDIT – The board members reviewed the claims Claim number 050040413 to NACO will be pulled and reduced by \$60.00. Lancaster stated that she will not be able to attend the NACO Board of Equalization workshop.

Jeffries made a motion and Humiston seconded to approve the claims as audited and to change claim number 050040413. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no, with Hartman absent for the vote. Motion carried.

10:00 A.M. PUBLIC HEARING TAXABLE STATUS PROTESTS -

Jeffries made a motion and Humiston seconded to open the public hearing for the taxable status protests. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Hartman absent for the vote. Motion carried.

Taxable Status Protests – County Assessor Jan Pelland was present and stated that 10 protests were filed by the City of Grand Island. These are properties that fell under LB 271, property that is owned but not used for governmental use. They are used for another purpose, sitting idle or vacant. She talked to the City and told them that if the status changes before levy date then she would rescind her intent to tax. Protest numbers 2 through 6 are lots across from City Hall that will be used for a parking lot. They are now using the old buildings for fire training, so she will remove the intent to tax on protests 2 through 6. Protest number 1 was a property that was leased out in the past and they are requesting it to be exempted because it is used by the Central Nebraska District Health Department. Eriksen stated that he is not sure but the protest states that it is being used for that purpose. Jan stated that the Central District Health Department provides a public services and she will remove the intent to tax on that one also.

Protest #7 is a block west of the Library which was formerly the old Subway and Video Kingdom, this area is currently vacant and the city has not developed it. She will leave the intent to tax on this property. The other side is the Domino Pizza business and it is still operating. The last two protests are homes on the Third Street side by the Library, one is vacant and one is still occupied. Pelland stated that she still intends to tax these.

Jeffries questioned if Jan received information on two properties located on Shady Bend Road that are owned by the city and she stated that she did not receive any protests

Jeffries made a motion and Eriksen seconded to go out of the public hearing. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Hartman absent for the vote. Motion carried.

County Assessor Jan Pelland stated that the board will need to approve or deny the protests. She recommended that protest numbers 1 through 6 be approved because of the use.

Jeffries made a motion and Eriksen seconded to approve protests numbers 1 through 6, because they are currently used by the city. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Hartman absent for the vote. Motion carried.

Jeffries made a motion and Eriksen seconded to deny protests 7, 8, 9 and 10, because they are not governmental use. Arnold, Eriksen, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no with Hartman absent for the vote. Motion carried.

County Assessor Jan Pelland stated that she attended the state wide equalization hearing in Lincoln and Hall County will receive a show-cause hearing notice on the ag-land in market area two. They are recommending a 6.6% increase and she has already increased it by 10%. She stated that she will argue the case, overall this area came in at 72.73% but there have been some purchases of dry grassland that were not purchased for grassland but for homes. She will be working on her case to present to the TERC board.

Arnold questioned some of the information on Mapsifter regarding values and the increases Jan stated that she is not sure if all of the information has been transferred.

Eriksen stated he understand the guide lines on ag-land but questioned how the values are set on residential and commercial properties. He asked Ms. Pelland if she would be able to explain this. Pelland stated that the values are driven by sales. She stated that the show cause hearing will be May 3, 2005 at 1:00 p.m.

7 10:15A.M. RENEWAL OF 125 CAFETERIA PLAN – JJ Green, with North Central Marketing, was present representing TASC. The 125 plan is up for renewal July 1 and there will be no changes in the fees. Mr. Green stated that there is now an opportunity to use a debit card to process the claims for prescription purchases. When the debit card is used the claim is automatically processed and payment is made. The cost of the debit card would be \$1.60 per plan participant and if the county chooses to use this card it would be mandatory that everyone use it. To date there are 83 participants in the plan so the annual cost would be about \$1,600.00. Mr. Green stated that usually the employer pays this fee. He also stated that there have not been any legislative changes.

There was some discussion on allowing rollover funds to a new plan year but with the additional coverage for the purchase of over the counter drugs this is not an issue. The employees have 90 days after the close of the plan year to use their funds.

Arnold noted that it is not necessary to wait until your funds are all there to process a claim. It is processed as a credit until the employees as deposited all of their funds.

Eriksen stated that the Hall County plan has a \$2,600.00 maximum and he questioned if that should be raised. Mr. Green stated that the County does not want to set this to high in the event that an employee would leave before the end of the plan year. He also questioned if it would be possible to offer a voluntary life insurance policy. It is possible to offer up to \$50,000.00 in life insurance and run it through the 125 plan. This will be discussed at renewal time.

13 10:30 A.M. LEE JOHNSON DISCUSSION ON HEALTH INSURANCE

AMENDMENTS – Lee Johnson with Mid America Benefits was present to address questions on the amendments. He stated that they do not offer legal advice as a third party administrator but offer opinions regarding the cost to the clients. They want to provide a quality plan for the employees. The one important issue with a self funded plan is that the county can decide how the plan is set up. The two amendments were sent to all of their clients. The first amendment regarding the pain disorders for the biofeedback aversion therapy services from a masseur, masseuse or health club memberships and the treatment related to ultrasound-guided extracorporeal shock wave therapy was reviewed by an independent research and review board. The shock wave therapy was approved by the FDA but is controversial. The facility costs are questionable and at this time, some of the Hall County claims are the highest in the country. There are other means of treatment.

The second amendment addresses the treatment medications or hormones and any other treatment or surgery for weight control or morbid obesity. There are concerns that the gastric by-pass surgery is becoming a cosmetic surgery. There are advertisements and seminars promoting this surgery. The cost, \$35,000.00 to \$50,000.00 is an issue and with complications the cost can exceed that amount. Any action to hold down cost is warranted. Mr. Johnson stated that the company has a very strong feeling that it is important to use dollars wisely.

Arnold expressed concern that the cost of the extracorporeal shock wave therapy. He does not think it is that high. He also expressed concern about eliminating the obesity surgery and would like to see a limitation instead of excluding it.

Hartman questioned if it wasn't necessary to try and save some money. The county needs to draw the line somewhere.

Lancaster also expressed concern on the fact that Hall County was able to buy down the health insurance increase last year but that may happen this year.

Lancaster asked Mr. Johnson if he had any idea what the increase might be and he stated that a ball park figures would be about 20 to 22 percent increase.

Jeffries made a motion and Hartman seconded to approve the amendment #1 regarding pain disorders and amendment #2 regarding obesity surgeries. Mr. Johnson state that

the const on these issues and it had been brought to their attention over the last 6 months. Over 80% of their clients have approved these amendments.

The vote on the motion was taken. Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and Arnold voted no. Motion carried.

17. DISCUSS & AUTHORIZE CHAIR TO SIGN MEMORANDUM OF UNDERSTANDING FOR 2005 BYRNE JUSTICE ASSISTANCE GRANT – This is a memorandum of understanding between the City of Grand Island and Hall County for the Justice Assistance Grant (JAG). Discuss was held on what type of grant this is. Mr. Arnold called for information and stated that it is a federal block grant that provides grant funds if you apply. This is used for the drug task force and is a grant that we have received in the past.

Arnold made a motion and Jeffries seconded to authorize the chair to sign the memorandum of understanding. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

BOARD MEMBER'S REPORTS – Hartman – no report.

Humiston – no report.

Eriksen – He attended several meetings but no additional reports.

Rye – He attended the library facility meeting but was not able to attend last night. They will be doing interviews on May 2nd for the contractors.

Jeffries – He attended the economic development meeting and stated that he was impressed with the number of people that attended and the participation.

Arnold – He attended the public works committee meeting and the jail planning committee meeting. There was a lot of discussion on the jail site.

Lancaster – She attended the Doniphan economic development meeting and she was asked to serve on the emergency management selection group, a number of agencies will be included on this group. Corrections Director Dave Arnold reviewed the video of the jail break and the corrections officer did a good job.

NEW OR UNFINISHED BUSINESS – Chairman Lancaster called for new or unfinished business and no one responded.

Meeting Adjourned at 11:40 a.m. The next meeting will be May 3, 2005 at 9:00 a.m.

Marla J. Conley Hall County Clerk

